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10/611,473	06/30/2003	Shin Kazunobu	042933/303660	1629

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EXAMINER
BAYAT, ALI

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	10/611,473	KAZUNOBU ET AL.
	Examiner	**Art Unit**	
	ALI BAYAT	2624	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment filed on 9/29/08* .

2a)☒ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2007 and 29 September 2008* is/are: a)☒ accepted or b)☐ objected to by the
Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
     application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Arguments

1.   Applicant's arguments filed on 9/29/08 have been fully considered

but they are not persuasive. On page 9 -10 (see remarks) applicant argues that

Dutta does not teach extracting raw or Bayer data from image data. Whether or

not the assertion in the Official Action that "storage of raw data 11 is inherent in

mobile phone processor..." is Correct, there is no teaching in Dutta, and no

technical requirement generally, that any (potentially) stored raw image data is or

need ever be extracted from image data.

 Further, there is no technical prohibition on storing raw image data for

subsequent processing, such that the storage of image-related data (in some

form) followed by processing of corresponding raw image data implies that the

raw data must have been extracted from image data prior to processing. Overall,

the fact that the image-related data of Durra may be stored before processing (as

asserted by the Examiner) would seem to have no bearing on the issue of

whether raw data is ever extracted from image data.

          Examiner respectfully disagrees with applicant. Dutta teaches digitizing

the image to obtain Bayer data (Fig.3 element 28, para.18 lines 4-6, see digital

output 11 is Bayer data, which representing the image); processing the Bayer

data to obtain image data (Fig.3 element 26b, Para.19 note the image processing

block 26b, to produce image data 13); and extracting raw data from the image

data (Fig.3 element 26b, Para.19 note in-order for the image processing block

26b, to produce image data 13. The Bayer data 11 needs to be extracted from

some kind of storage devices such as elements 2 or 4 in fig.3 and examiner

interprets that storage of Bayer data is inherent. Further, Examiner interpret that

extracting the raw data 11 from the storage devices happens before obtaining the

image data. Therefore the processing element 26b extracts the raw data 11 from

storage devices to produce image data 13, see para.19).

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 2, 6,7,8,9 recites the limitation "the mobile camera". There is

insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1, 6-13 and 17-24 are rejected under 35 U.S.C. 102(e) as being

anticipated by Dutta et al. (Pub. No.: US 2006/0221230 A1The applied

reference has a common assignee (NOKIA) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In regard to claim 1, Dutta provides for a method of processing an image captured by a mobile camera telephone (Fig.3 note mobile camera telephone), said method comprising: digitizing the image to obtain Bayer data (Fig.3 element 28, Para.18 lines 4-6, note image sensor 12 and ADC digital output 11 is a Bayer data); processing the Bayer data to obtain image data (Fig.3 element 26b, Para.19 note the image processing block 26b, to produce image data 13); and extracting raw data from the image data (Fig.3 element 26b, Para.19 note the image processing block 26b, to produce image data 13, note the Bayer data 11, first need to be stored , in storage devices such as element 2 or 4 in fig. 3, then producing image 13, by processing element 26b corresponds to extracting the raw data see para.19) .

As to claim 6, Dutta provides for a method, wherein the mobile camera telephone includes a camera module and a telephone module (Fig.2 note camera module/ phone system).

In regard to claim 7, Dutta provides for a method, wherein the step of

processing the Bayer data is performed within the camera module (Fig.3 element 26b, Para.19 note camera image processing block 26b).

As to claim 8, Dutta provides for a method, wherein the extracting the raw data is performed in the telephone module (Fig.3 data 11 transmitted to element 26, for storage (elements 2 and 4) and processing (element 26b) producing image 13, by processing element 26b corresponds to extracting the raw data see para.19).

With regard to claims 9 and 18 Dutta provides for a method, further comprising of storing the image data in the telephone module prior to the extraction step (Fig.4 element 2, note storage device SDRAM).

In regard to claim 10, Dutta provides for a method, further comprising; encoding the image data (Para. 28, Fig.5, element 32); and decoding the encoded image data (Fig.5 element 34); wherein the encoding and decoding are performed prior to the extraction step (Para.28 Fig.5 element 2, note storage device SDRAM 2, note for displaying the image data, the raw data or image component (RGB) need to be extracted).

With regard to claims 11 and 17, Dutta provides for a method, wherein the encoding is performed according to a JPEG standard (Para. 16, note JPEG).

As to claim 12, Dutta provides for a method, further comprising creating an EXIF file including the JPEG encoded image data and shooting data (Para.16 note JPEG and TIFF, which corresponds to EXIF file).

In regard to claim 13, see the rejection of claim 1. It recites similar limitations

As claim 1. Except that claim 13 is a system and claim 1 is a method. Hence it similarly analyzed and rejected.

As to claim 19, see the rejection of claim 1; it recited similar limitations as claim 1. Except for an interface for receiving digitized Bayer data associated with a captured image from an image capturing device (Fig.4 element 27, Para.24 see interface 27. Hence it similarly analyzed and rejected.

With regard to claims 20 and 22-24 Dutta provides for the mobile camera telephone, wherein the image data is RGB data (Para. 18, note RGB color data or compressed format such as JPEG).

Regarding claim 21 Dutta provides for an interface (Fig.3 element 27, para.18) for receiving image data created from digitized Bayer data associated with a captured image from an image capturing device (Fig.3 element 11 , para.18); and a data extractor for extracting raw data from the image data (Fig.3 element 26b, para.19 as explained in above claim 1).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-5 and 14-16 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Dutta et al. (US 2006/0221230 A1) in view of Silverbrook et al.
(US 6,831,682).

In regard to claim 2, Dutta provides for the extracted data (Fig.4, note the
output 11 of camera module 28, which is the raw data, directed toward the
camera image processing element 26b). Dutta does not transmit the extracted
data to a device external to the mobile camera telephone. Silverbrook transmit
the extracted data to external device (col.44 lines 36-42, note photos taken by
digital camera " squirt" the photos to the receptive devices such as fixed or
mobile netpage printer). One in the art would have been motivated to modify
Dutta according to Silverbrook to (" this may be particularly convenient when the
photo user may choose to defer printing of photos while traveling, and instead
retrieve and print the photos on returning home, e.g. in the form of printed pages
suitable for inclusion in a normal photo album" col.44 lines 52-61) and therefore
it would have obvious to one of the ordinary skill in the art to modify Dutta
according to Silverbrook.

With regard to claims 3-4, 5 and 14-16 see the rejection of claim 2. They
recite similar limitations as claim 2. Hence they are similarly analyzed and
rejected.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to ALI BAYAT whose telephone number is

(571)272-7444. The examiner can normally be reached on M-F 9:00 AM-5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew C Bella/
Supervisory Patent Examiner, Art Unit 2624

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1/13/08